

REMARKS / ARGUMENTS

Claims 1-119 remain in this application. Claims 1, 35, 45, 69 and 82-86 are amended.

In the Office Action dated June 17, 2004, the Examiner indicated that Applicants' amendment of April 14, 2004 failed to comply with the provisions of 37 CFR 1.121, because the incorrect status identifier was used in claim 45. Applicants submit that as-amended claim 45 is in compliance.

Further, the Examiner rejected claims 82-86 under 35 U.S.C. 112, second paragraph, because these dependent claims are improperly drawn to methods and polymerizates. Applicants have amended these claims such that they are drawn to photochromic articles. The amendments to the claims were made for the sole purpose of correcting obvious typographical errors. Applicants submit that as amended, claims 82-86 overcome this rejection.

Furthermore, the Examiner rejected claims 1-4, 6, 11, 14-16, 21-23, 26-32, 35-38, 40, 45, 46, 49, 50, 55-57, 60-65, 67, 117 and 118, under 35 U.S.C. 102(b) as being anticipated by United States Patent 4,866,103 (i.e., "Cassidy"). Applicants submit that the Cassidy reference is directed to elastomers. As amended, the claimed invention is directed to a non-elastomeric polymerizate. Thus, Applicants submit that this rejection of claims 1-4, 6, 11, 14-16, 21-23, 26-32, 35-38, 40, 45, 46, 49, 50, 55-57, 60-65, 67, 117 and 118, is considered moot.

Moreover, the Examiner rejected claims 17-20, 24, 25, 33, 51-54, 58, 59 and 66, under 35 U.S.C. 103(a) as being unpatentable over the Cassidy reference. As aforementioned, the Cassidy reference is directed to elastomers and the claimed invention is directed to a non-elastomeric polymerizate. The Cassidy reference does not even suggest the preparation of non-elastomeric materials. In view of the Cassidy reference, one having ordinary skill in the art would not be motivated to make a non-elastomeric material according to the claimed invention. Thus, Applicants submit that claims 17-20, 24, 25, 33, 51-54, 58, 59 and 66, are not obvious in view of the Cassidy reference.

Applicants submit that claims 1-119 are in condition for allowance and therefore, respectfully request reconsideration of these claims.

Very truly yours,

A handwritten signature in black ink, reading "Carol A. Marmo". The signature is written in a cursive, flowing style.

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